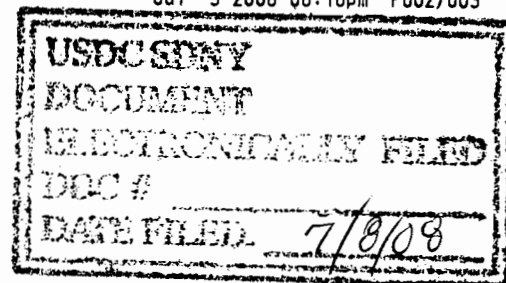


MEMO ENDORSED



MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
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NEW YORK, NY 10007

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July 3, 2008

BY FAX: (212) 805-6712

Honorable Kevin N. Fox
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Kimberly Paul v. City of New York, et al., 08 Civ. 4879 (SHS)(KNF)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York. I write to respectfully request an adjournment of the initial conference presently scheduled on July 14, 2008 until after defendants have filed their answer in this matter, presently due on August 15, 2008. I have spoken with Plaintiff's counsel, and he consents to this request.

On June 18, 2008, Your Honor granted defendant City of New York's application for an extension of time to respond to the Complaint until August 15, 2008 so that this office may adequately investigate the allegations set forth in the complaint. On June 18, 2008 Your Honor also ordered an initial conference for August 26, 2008 at 10:30 a.m. However, on June 19, 2008, plaintiff's counsel requested an adjournment of the August 26, 2008 conference due to a scheduled vacation. The Court subsequently granted plaintiff's request and rescheduled the initial conference for July 14, 2008 at 10:15 a.m.

Defendant City respectfully submits that at this juncture we do not yet possess the Criminal Court file or NYPD documents regarding this incident. Moreover, without such documents, this office has not yet been able to meet with the individually named defendant officers and make a decision regarding representation of them in the instant matter. A review of the Criminal Court file and NYPD documents as well as interviews with the individual officers

7/7/08

Application granted.
The conference will be held
on September 9, 2008, at 2:00 p.m.

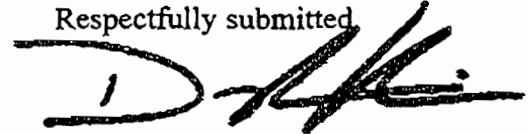
SO ORDERED:
Kevin Nathaniel Fox, U.S.M.J.

are essential to the evaluation of plaintiff's false arrest, excessive force, and pendent state law claims. Therefore, without such documents and information, defendant City would not be adequately prepared to intelligently discuss a discovery schedule, settlement, or other relevant issues at the July 14, 2008 Initial Conference as instructed in Your Honor's original June 18, 2008 order.

No previous request for an adjournment has been made by defendant City in this action. Accordingly, given that plaintiff's counsel has indicated he will be out of his office throughout August, defendant City respectfully requests that the July 14, 2008 Initial Conference be adjourned until at date and time convenient to the Court in September, after defendants' August 15, 2008 answer deadline.

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Heim', is written over the typed name.

Douglas W. Heim (DH 5238)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: David A. Zelman (By Fax: 718-604-3074)
Law Office of David A. Zelman
612 Eastern Parkway
New York, NY 11225